

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SHAJI MARKOSE and RAGITHA SHAJI,

Plaintiffs,

**ORDER**

- against -

No. 19-CV-7019 (CS)

CITIBANK NATIONAL ASSOCIATION AND  
U.S. BANK NATIONAL ASSOCIATION,

Defendants.

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Seibel, J.

Plaintiffs filed the instant action on July 26, 2019, bringing claims for negligence, breach of fiduciary duty, and negligent infliction of emotional distress against Defendant Citibank (Counts 1-3) and claims for “negligence toward plaintiffs as third-party beneficiaries,” conversion, and negligent infliction of emotional distress against Defendant U.S. Bank (Counts 4-6). (Doc. 1.) Citibank has not appeared and there is no indication on the docket that it has been served.

On September 25, U.S. Bank filed a letter in contemplation of a motion to dismiss. (Doc. 6.) Plaintiffs responded on October 24, (Doc. 9), and the Court held a pre-motion conference on November 1 in which I granted Plaintiffs leave to amend, (Minute Entry dated Nov. 1, 2019). Plaintiffs amended their complaint, (Doc. 12 Ex. 1), and briefing on the instant motion was completed on February 28, 2020, (Docs. 10-15).

On September 18, the Court notified the parties that it was prepared to rule on U.S. Bank’s motion to dismiss at a conference scheduled for September 23. (Doc. 17.) Since then, Plaintiffs and U.S. Bank have filed a stipulation dismissing all claims against U.S. Bank with

prejudice. (Doc. 19.) Plaintiffs also advised the Court by email that they reached a settlement agreement with both Defendants in May.

Counsel for Plaintiffs and U.S. Bank were derelict in their duty to keep the Court apprised of the status of their case. Given that a motion was pending, counsel should have foreseen that the Court would devote judicial resources to ruling on their motion – judicial resources that could have been spent on other cases had the Court known that this case settled four months ago. I admonish counsel not to repeat this behavior in the future.

The Court being advised that Plaintiffs have agreed to dismiss all claims against both Defendants with prejudice, Plaintiffs' claims are hereby DISMISSED with prejudice.

**SO ORDERED.**

Dated: September 22, 2020  
White Plains, New York



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CATHY SEIBEL, U.S.D.J.